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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,647	08/05/2003	Douglas M. Van Watermulen	195.021US2	6359

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EXAMINER

NGUYEN, TAN QUANG

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/634,647

Applicant(s)

WATERMULEN ET AL.

Examiner

TAN Q NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 51-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51,59,60,64,66,67,69 and 70 is/are rejected.
- 7) ☒ Claim(s) 52-58,61-63,65 and 68 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAIL ACTION**

### ***Notice to Applicant(s)***

1. This office action is response to the amendment filed on January 10, 2005. As per request, claim 1 has been canceled. Claims 51-70 have been added. Thus, claims 51-70 are pending.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
3. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. In claim 70, the phrase "the first and second URL" has no antecedent basis since it depends on claim 66 but no where in claim 66 recite the URL. Claim 70 should depend on claim 69 instead. Correction is request.
5. The following rejections are based on the examiner's best interpretation of the claims in light of the 35 U.S.C. 112 errors noted above.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3661

7. Claims 64 rejected under 35 U.S.C. 102(b) as being anticipated by Behr et al. (5,543,789)

8. Behr et al. disclose the invention as claimed which includes a server for serving map data (see figure 1, item 12), a wireless client operatively coupled to receive map data from the server (see figure 1, item 18 or 20), and a non-wireless client operatively coupled to receive map data from the server (see figure 1, item 16).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 51, 59, 60, 66, 67, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behr et al. as applied to claim 64 above, and further in view of Himmel (6,167,441).

12. With respect to claim 51, Behr et al. disclose a system for serving map data over computer network to two or more different type of clients (see at least figure 1, items 16, 18, and 20). Behr et al. do not explicitly disclose that the server includes at least first URL and second URL for each type of client. However, Himmel suggest a system which includes the server having means for detect client device capability information about the requesting client device, and the detected client device is redirected to an URL according to the detected client device (see at least the abstract and figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made incorporate the teaching of Himmel into the system of Behr in order to redirect the client to the appropriate URL for the particular type of client device, such as desktop computer, portable PDA.

13. With respect to claim 59, Behr et al. do not disclose one client is HTML and the other client is a JAVA client. However, Himmel does suggest that feature in which the system ensure to support to either the client is the HTML client or a JAVA client (see at least column 1, lines 56-65, the summary of the invention, and columns 5 and 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Himmel into the system of Behr et al. in order to provide the system with the enhancement capability of provide the map data to both HTML client and Java client.

14. With respect to claims 60, 66, 69 and 70, With respect to claims 36-37, the limitations of these claims have been noted in the rejection above. They are therefore considered rejected as set forth above.

15. With respect to claim 67, Behr et al. disclose that the wireless client includes a mobile telephone (see figure 1, item 20).

16. Claims 52-58, 61-63, 65 and 68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

19. Claim 51, 59, 60, 64, 66, 67, 69 and 70 are rejected. Claims 52-58, 61-63, 65 and 68 are objected.

20. Amendment filed on January 10, 2005 has been considered. The original claim 1 has been canceled. New set of claims 51-70 have been entered. Upon the updated search and the new set of claims, the new ground of rejection has been set for the above.

Art Unit: 3661

21. The following references are cited as being of general interest: Phelan (6,240,360), Roy et al. 6,337,693), and Nakazawa (6,643,778).

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the Official Fax Center:

(703) 872-9306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

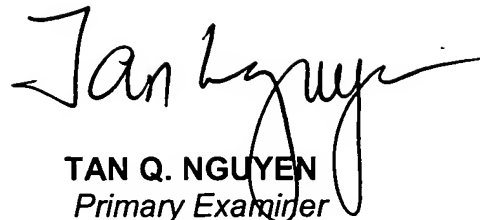
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/634,647

Art Unit: 3661

Page 7

A handwritten signature in black ink, appearing to read "Tan Q. Nguyen", with a long horizontal flourish extending to the right.

**TAN Q. NGUYEN**  
*Primary Examiner*  
Art Unit 3661

/tqn

March 7, 2005